

United States Court of Appeals For the First Circuit

No. 19-1181

IN RE: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO ELECTRIC POWER AUTHORITY (PREPA); THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO SALES TAX FINANCING CORPORATION, a/k/a Cofina; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO,

Debtors.

RENÉ PINTO-LUGO; MOVIMIENTO DE CONCERTACIÓN CIUDADANA INC., (VAMOS); UNIÓN DE EMPLEADOS DE OFICINA Y PROFESIONALES DE LA AUTORIDAD DE EDIFICIOS PÚBLICOS, (UEOGAEP); UNIÓN INSULAR DE TRABAJADORES INDUSTRIALES Y CONSTRUCCIONES ELECTRICAS INC., (UITICE); UNIÓN INDEPENDIENTE DE EMPLEADOS DE LA AUTORIDAD DE ACUEDUCTOS Y ALCANTARILLADOS, (UIA); UNIÓN DE EMPLEADOS DE OFICINA COMERCIO Y RAMAS ANEXAS, PUERTOS, (UEOCRA); UNIÓN DE EMPLEADOS PROFESIONALES INDEPENDIENTES, (UEPI); UNIÓN NACIONAL DE EDUCADORES Y TRABAJADORES DE LA EDUCACIÓN, (UNETE); ASOCIACIÓN DE INSPECTORES DE JUEGOS DE AZAR, (AIJA); MANUEL NATAL ALBELO,

Movants, Appellants,

v.

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO SALES TAX FINANCING CORPORATION, a/k/a Cofina,

Debtors, Appellees,

PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY,

Movant, Appellee,

ARISTEIA CAPITAL, LLC; CANYON CAPITAL ADVISORS, LLC; GOLDEN TREE
ASSET MANAGEMENT LP; OLD BELLOWS PARTNERS LLP; SCOGGIN
MANAGEMENT LP; TACONIC CAPITAL ADVISORS, L.P.; TILDEN PARK CAPITAL
MANAGEMENT LP; WHITEBOX ADVISORS LLC,

Intervenors.

No. 19-1182

IN RE: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO
RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF PUERTO RICO; THE
FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS
REPRESENTATIVE FOR THE PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR
PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO ELECTRIC POWER
AUTHORITY (PREPA); THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD
FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO SALES TAX
FINANCING CORPORATION, a/k/a Cofina; THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,

Debtors.

MARK ELLIOTT; LAWRENCE B. DVORES; PETER C. HEIN,

Movants, Appellants,

v.

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR
PUERTO RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF
PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO
RICO SALES TAX FINANCING CORPORATION, a/k/a Cofina,

Debtors, Appellees,

PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY,

Movant, Appellee,

ARISTEIA CAPITAL, LLC; CANYON CAPITAL ADVISORS, LLC; GOLDEN TREE
ASSET MANAGEMENT LP; OLD BELLOWS PARTNERS LLP; SCOGGIN
MANAGEMENT LP; TACONIC CAPITAL ADVISORS, L.P.; TILDEN PARK CAPITAL
MANAGEMENT LP; WHITEBOX ADVISORS LLC,

Intervenors.

No. 19-1960

IN RE: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO
RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF PUERTO RICO; THE
FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS
REPRESENTATIVE FOR THE PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR
PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO ELECTRIC POWER
AUTHORITY (PREPA); THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD
FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO SALES TAX
FINANCING CORPORATION, a/k/a Cofina; THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,

Debtors.

PETER C. HEIN,

Movant, Appellant,

v.

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR
PUERTO RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF
PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO
RICO SALES TAX FINANCING CORPORATION, a/k/a Cofina,

Debtors, Appellees,

PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY,

Movant, Appellee.

JUDGMENT

Entered: February 8, 2021

This cause came on to be heard on appeal from the United States District Court for the District of Puerto Rico and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The challenges to the Title III court's confirmation of the Plan are dismissed, and the court's orders rejecting Peter Hein's discovery request and dismissing his proof of claim against COFINA are affirmed.

By the Court:

Maria R. Hamilton, Clerk

cc: Wandymar Burgos-Vargas, Hermann D. Bauer-Alvarez, Timothy W. Mungovan, Donald B. Verrilli Jr., Susana I. Penagaricano Brown, Carla Garcia-Benitez, Ubaldo M. Fernandez, Michael R. Hackett, Stephen L. Ratner, Margaret Antinori Dale, Ricardo Burgos-Vargas, John E. Roberts, Mark David Harris, Martin J. Bienenstock, Ehud Barak, Laura E. Stafford, Daniel Jose Perez-Refojos, Michael Luskin, Stephan E. Hornung, Chad Golder, Julia D. Alonzo, Michael A. Firestein, Paul V. Possinger, Lary Alan Rappaport, Steven O. Weise, Ginger D. Anders, William D. Dalsen, Jeffrey W. Levitan, Kevin J. Perra, Jennifer L. Roche, Brian S. Rosen, Rachel G. Miller Ziegler, Guy Brenner, Lucas Kowalczyk, Shiloh Rainwater, Ralph C. Ferrara, Chantel L. Febus, Ann M. Ashton, Luis C. Marini-Biaggi, Joseph P. Davis III, Peter M. Friedman, John J. Rapisardi, Suzzanne Uhland, Raul Castellanos-Malave, Arturo Diaz-Angueira, Katuska Bolanos-Lugo, Luis Francisco Del-Valle-Emmanuelli, Monsita Lecaroz-Arribas, Raul S. Mariani-Franco, Albeniz Couret-Fuentes, Elaine Maldonado Matias, Eric A. Schaffer, Roberto A. Camara-Fuertes, Sonia E. Colon, Moraima S. Rios-Robles, Roberto O. Maldonado-Nieves, Sylvia M. Arizmendi-Lopez de Victoria, Rafael Escalera-Rodriguez, Daniel A. Salinas-Serrano, Carlos R. Rivera-Ortiz, Susheel Kirpalani, David Michael Cooper, Fernando E. Agrait-Betancourt, Charles Alfred Cuprill, Gustavo J. Viviani-Melendez, Roberto del Toro Morales, Maria E. Vicens Rivera, Rafael Antonio Gonzalez-Valiente, Miguel Simonet Sierra, Rolando Emmanuelli-Jimenez, Jessica Esther Mendez-Colberg, Lawrence B. Dvoves, Peter C. Hein, Maja Zerjal, Adele M. El-Khoury, Maria Teresa Alvarez-Santos, Gary F. Eisenberg, Lemuel Negron-Colon, Michael C. McCall, Charles A. Cuprill-Hernandez